

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN (FLINT)**

In Re:

BRETT SVATORA

Case No. 14-30028-DOF
Chapter 13 Case
Hon. Daniel S. Opperman

Debtor.

**ENGLISH GARDENS CONDOMINIUM ASSOCIATION'S
MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND ENTRY OF ORDER
WAIVING THE PROVISION OF FRBP 4001(A)(3)**

English Gardens Condominium Association (the "Association"), by its attorneys, Makower Abbate Guerra PLLC, and for its Motion for Relief from the Automatic Stay, states as follows:

1. On or about January 7, 2014, Brett Svatora ("Debtor") filed a Voluntary Petition for Relief pursuant to 11 U.S.C. Chapter 13.
2. Debtor owns a residential condominium unit located at 648 Olde English Circle, Howell, MI 48855 (the "Unit"), which Unit is located in the English Gardens Condominium, a condominium project established upon land in the City of Howell, Livingston County, Michigan ("the Condominium").
3. The English Gardens Condominium Association (the "Association") is responsible for the administration of the Condominium.
4. The Condominium and all units therein, including Debtor's Unit, were at all times pertinent hereto subject to the Master Deed, Condominium Bylaws and other condominium documents for the Condominium (hereinafter collectively referred to as the "Condominium Documents").

5. The Condominium Documents provide, among other things, that the restrictions, limitations, and provisions of the Condominium Documents are a burden and a benefit to those persons acquiring interest in the units of the Condominium, which includes the Debtor.

6. On or about January 6, 2009, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibit A**.

7. On or about January 6, 2010, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibit B**.

8. On or about June 2, 2010, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibit C**.

9. On or about June 23, 2011 the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibit D**.

10. On or about March 1, 2012, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notices is attached as **Exhibit E**.

11. On or about December 11, 2012, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibit F**.

12. On or about February 8, 2013, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibit G**.

13. On or about July 9, 2013, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibits H**.

14. On or about October 4, 2013, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibits I**.

15. On or about November 21, 2013, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibits J**.

16. On or about January 24, 2014, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibits K**.

17. On or about February 4, 2014, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibits L**.

18. On or about February 27, 2014, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibits M**.

19. On or about May 12, 2014, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibits N**.

20. On or about June 30, 2014, the Association sent notice to the Unit regarding violations of the Condominium Bylaws. A copy of the notice is attached as **Exhibits O**.

21. Debtor has failed and/or refused to cure the above-referenced violations.

22. The Debtor continues to repeatedly violate the provisions of the Condominium Documents, however, the Association is barred from sending additional violation notices or taking additional actions by the automatic stay

23. Pursuant to the Michigan Condominium Act, MCL 559.101 et seq., the Association is entitled to send notice to the Debtor requiring him to cure the violations. If the Debtor does not cure the violations within 15 days, or if the Association believes that the violations will be repeated, the Association may institute an action for both injunctive relief and for money damages against the Debtor for breach of the conditions of the Condominium Documents.

24. The Association has filed this Motion so that the automatic stay may be lifted to permit the Association to proceed with such enforcement.

25. The Debtor has failed to comply with the terms and provisions of the Condominium Documents.

26. Both the Condominium Documents and the Michigan Condominium Act (specifically MCL 559.206) expressly entitle the Association to injunctive relief for a violation of the Condominium Documents, without the need to show irreparable harm.

27. Even though a showing of irreparable harm is not necessary in order for the Association to obtain injunctive relief, irreparable harm exists. The Association has no other remedy to enforce these restrictions that run with the land. Money does not help as violations would continue and others may be misled to believe the restrictions are not or will not be enforced. Those who bought for the very reason that such restrictions would lead to an orderly community living arrangement would have their rightful expectations dashed. Further, unless restrained, the Association believes, based on the numerous repeated offenses by Debtor and/or the Occupants (see the attached exhibits), that Debtor and/or the Occupants will continue to violate the Condominium Documents and disturb the other co-owners in the Condominium—the very people who bought their units expecting these restrictions would protect them from such disturbances.

28. The Association seeks to proceed with a state court action to obtain relief enjoining, restraining and prohibiting Debtor and all other occupants of the Unit from violating the Condominium Documents. The Association will also seek costs and attorneys' fees as it relates to enforcing the Condominium Documents as the Condominium Act and the Condominium Documents specifically entitle the Association to such costs and fees.

29. 11 U.S.C. § 362(d)(1) provides that the Court may grant relief from the automatic stay for "cause." Cause exists to grant the Association relief from the automatic stay because (1) the Association's efforts to enforce the Condominium Documents without obtaining relief

through the state courts have not produced positive results, (2) the members of the Association who bought units in the Condominium for the very reason that such restrictions would lead to an orderly community living arrangement would have their rightful expectations and rights dashed if the Association is unable to enforce such restrictions, and (3) there is sufficient evidence for the state courts to find that Debtor and/or Occupants have violated and will in all likelihood continue to violate the Condominium Documents unless the Association is allowed to obtain relief prohibiting Debtor from continuing to violate the Condominium Documents.

30. Pursuant to Local Bankruptcy Rule 9014-(1)(b)(4), attached is a copy of the proposed Order Granting Relief From the Automatic Stay and Waiving The Provisions of FRBP 4001(a)(3) Exhibit 1.

31. In the event a hearing on this motion is held and after said hearing the Court orders submission of an order in substantial compliance with Exhibit 1, the Association requests that presentment of said order be waived.

32. Concurrence was sought for the relief requested herein and was not given.

WHEREFORE, the Association requests that the Court enter an Order Granting Relief from the Automatic Stay and Waiving the Provision of FRBP 4001(a)(3) for good cause shown pursuant to 11 U.S.C. §362(d)(1) and that the Order is effective immediately upon entry by the Court notwithstanding the provision of FRBP 4001(a)(3); and whatever other relief this Court deems fair and equitable.

July 8, 2015

Respectfully submitted,
Makower Abbate Guerra PLLC

By: /s/ Benjamin J. Henry

Benjamin J. Henry (P72222)
Attorney for English Gardens Condominium
Association
30140 Orchard Lake Road
Farmington Hills, MI 48334
(248) 254-7600

January 6, 2009

yourpeaceofmindTM

Brett Svatora
648 Olde English Circle
Howell, MI 48855

Dear Mr. Svatora,

English Gardens is a planned community created and governed by deed restrictions. The purpose of these governing documents is to ensure English Gardens continues to be well-maintained for the enhancement of property values. Certain restrictions have been established in order to preserve the homogeneous and aesthetic appeal of the community.

In an effort to gain compliance, we have been asked to inform the homeowner when we become aware of a deviation from these standards. Accordingly, we must inform you that we have received complaints that your property is in violation of the community standards as follows; you are stomping up and down the stairs, slamming doors throughout the day and night. Additionally, your guests are loud and littering cigarette butts.

Please review English Gardens by-law documents Article VI; Section 4, General Activities. No immoral, improper, unlawful, or offensive activity shall be carried on in any Unit or upon Common elements, nor shall anything be done which may be or become an annoyance or nuisance to the Co-owners of the Condominium, nor shall any unreasonably noisy activity be carried on in any Unit or on the Common Elements.

We understand your rights to have guests and go about your daily activities. However, we request you acknowledge your choice to live in a community such as English Gardens and to be courteous of your neighbors.

Thank you in advance for your compliance and continued support of English Gardens standards. If we can assist you in resolving this situation, please do not hesitate to contact us at 517-545-3900.

Respectfully,

Your Peace of Mind, Inc.
Agent for English Gardens Association
0055

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P.O. Box 2148 Howell, MI 48844 p: 517.545.3900 f: 517.552.4476 e: ypm@ypminc.com



January 6, 2010

Brett Svatora
648 Olde English Circle
Howell, MI 48855

Dear Mr. Svatora,

English Gardens is a planned community created and governed by deed restrictions. The purpose of these governing documents is to ensure English Gardens continues to be well-maintained for the enhancement of property values. Certain restrictions have been established in order to preserve the homogeneous and aesthetic appeal of the community.

In an effort to gain compliance, we have been asked to inform the homeowner when we become aware of a deviation from these standards. Accordingly, we must inform you that we have received complaints that your property is in violation of the community standards as follows; you are walking your dog up by the building and not cleaning up timely. Additionally, the dog often barks for long periods of time when you are not home.

Please review English Gardens by-law documents Rules and Restrictions Regarding Pets. A copy of this policy is enclosed for your review.

Thank you in advance for your compliance and continued support of English Gardens standards. If we can assist you in resolving this situation, please do not hesitate to contact us at 517-545-3900.

Respectfully,

Your Peace of Mind, Inc.
Agent for English Gardens Association
0055

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June 2, 2010

Brett Svatora
648 Olde English Circle
Howell, MI 48855

Dear Svatora,

English Gardens is a planned community created and governed by deed restrictions. The purpose of these governing documents is to ensure English Gardens continues to be well-maintained for the enhancement of property values. Certain restrictions have been established in order to preserve the homogeneous and aesthetic appeal of the community.

In an effort to gain compliance, we have been asked to inform the homeowner when we become aware of a deviation from these standards. Accordingly, we must inform you that we have confirmed your property is in violation of the community standards as follows; your dog is causing damage to the grass. Please review English Gardens by-law documents Rules and Restrictions Regarding Pets. A copy of this policy is enclosed for your review.

Thank you in advance for your compliance and continued support of English Gardens standards. If we can assist you in resolving this situation, please do not hesitate to contact us at 517-545-3900.

Respectfully,

Your Peace of Mind, Inc.
Agent for English Gardens Association
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Exhibit C

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P.O. Box 2148 Howell, MI 48844 p: 517.545.3900 f: 517.552.4476 e: ypm@ypminc.com



June 23, 2011

Mr. Brett Svatora
648 Olde English Circle
Howell, MI 48855

Dear Mr. Svatora,

English Gardens is a planned community created and governed by deed restrictions. The purpose of these governing documents is to ensure English Gardens continues to be well-maintained for the enhancement of property values. Certain restrictions have been established in order to preserve the homogeneous and aesthetic appeal of the community.

In an effort to gain compliance, we have been asked to inform the homeowner when we become aware of a deviation from these standards. Accordingly, we must inform you that your property may be in violation of the community standards as follows; you are not cleaning up your dog's mess. Please review English Gardens by-law documents Rules & Restrictions regarding pets, Item 8. Each Co-owner shall be responsible for walking their pet away from the building, when possible towards the back of the buildings, to allow their pets to do their business and then **immediately collect and dispose all fecal matter** deposited by any animal maintained by such Co-owner.

Thank you in advance for your compliance and continued support of English Gardens standards. If we can assist you in resolving this situation, please do not hesitate to contact us at 517-545-3900.

Respectfully,

Your Peace of Mind, Inc.
Agent for English Gardens Association
0055

Exhibit D

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NOTICE OF VIOLATION

March 1, 2012

Mr. Brett Svatora
648 Olde English Circle
Howell, MI 48855

Dear Mr. Svatora,

English Gardens is a planned community governed by deed restrictions and rules/regulations. The purpose of these governing documents is to ensure English Gardens continues to be well-maintained for the enhancement of property values. As a result, certain restrictions have been established in order to preserve the harmony and aesthetic appeal of the community.

Please take notice. The Board of Directors has received a complaint alleging that you have violated provisions of the Condominium Documents for English Gardens as follows: you are not cleaning up your pet in a timely manner.

This is a violation of the English Gardens by-law documents Rules & Restrictions regarding pets, Item 8. Each Co-owner shall be responsible for walking their pet away from the building, when possible towards the back of the buildings, to allow their pets to do their business and then immediately collect and dispose all fecal matter deposited by any animal maintained by such Co-owner.

We request your support by correcting this situation immediately. This will prevent further action including additional notices and possible fines as stated in the English Gardens Governing Documents. Should you have any questions regarding the alleged violation, please contact Your Peace of Mind, Inc. at 517.545.3900.

Respectfully,

Your Peace of Mind, Inc.
Agent for English Gardens Association
0055

Exhibit E

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English Gardens Friendly Reminder

12/11/2012

Re: 648 Olde English Circle

As the management company for English Gardens, it has come to our attention you are not cleaning up your dog's mess timely. Please review English Gardens by-law documents Rules & Restrictions regarding pets, Item 8. Each Co-owner shall be responsible for walking their pet away from the building, when possible towards the back of the buildings, to allow their pets to do their business and then immediately collect and dispose all fecal matter deposited by any animal maintained by such Co-owner. This policy is intended to preserve the harmony and aesthetic appeal of your community.

We appreciate your anticipated cooperation. Please do not hesitate to contact Your Peace of Mind, Inc. at 517.545.3900 with any questions or concerns.

Thank You For Your Support!

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Exhibit F



NOTICE OF VIOLATION HEARING

February 8, 2013

Mr. Brett Svatora
648 Olde English Circle
Howell, MI 48855

IMPORTANT ASSOCIATION DOCUMENT

Dear Mr. Svatora,

English Gardens is a planned community governed by deed restrictions and rules/regulations. The purpose of these governing documents is to ensure English Gardens continues to be well-maintained for the enhancement of property values. As a result, certain restrictions have been established in order to preserve the harmony and aesthetic appeal of the community.

Please take notice. The Board of Directors has received a complaint alleging that you have violated provisions of the Condominium Documents for English Gardens as follows: you are not cleaning up after your dog.

This is a violation of English Gardens by-law documents Rules & Restrictions regarding pets, Item 8. Each Co-owner shall be responsible for walking their pet away from the building, when possible towards the back of the buildings, to allow their pets to do their business and then immediately collect and dispose all fecal matter deposited by any animal maintained by such Co-owner.

In accordance with the provision of the English Gardens documents, you are hereby notified that the following fine/penalty has been levied against your unit.

FINE/PENALTY : \$50.00 DUE DATE: 3/15/2013

A hearing will be held before the Board of Directors to determine whether a violation has occurred on March 11, 2013, 3:00pm at Your Peace of Mind, Inc. office. 4312 E. Grand River Howell, MI 48843.

You must attend this meeting to offer any evidence you may have that a violation has not occurred. If you fail to attend this meeting, a violation may be established by default. You will be notified of the Board's decision after the hearing. If a violation is established, you will be notified of the fine or other penalty assessed in accordance with the provisions of the English Gardens Condominium Documents.

Respectfully,

Your Peace of Mind, Inc.
Agent for English Gardens Association
0055

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NOTICE OF VIOLATION

July 9, 2013

Mr. Brett Svatora
648 Olde English Circle
Howell, MI 48855

Dear Mr. Svatora,

English Gardens is a planned community governed by deed restrictions and rules/regulations. The purpose of these governing documents is to ensure English Gardens continues to be well-maintained for the enhancement of property values. As a result, certain restrictions have been established in order to preserve the harmony and aesthetic appeal of the community.

Please take notice. The Board of Directors has received a complaint alleging that you have violated provisions of the Condominium Documents for English Gardens as follows: you are not cleaning up timely after your pet.

This is a violation of the English Gardens by-law documents Rules & Restrictions regarding pets, Item 8. Each Co-owner shall be responsible for walking their pet away from the building, when possible towards the back of the buildings, to allow their pets to do their business and then immediately collect and dispose all fecal matter deposited by any animal maintained by such Co-owner.

We request your support by correcting this situation immediately. This will prevent further action including additional notices and possible fines as stated in the English Gardens Governing Documents. Should you have any questions regarding the alleged violation, please contact Your Peace of Mind, Inc. at 517.545.3900.

Respectfully,

Your Peace of Mind, Inc.
Agent for English Gardens Association
0055

Exhibit H

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NOTICE OF VIOLATION

October 4, 2013

Brett Svatora
648 Olde English Circle
Howell, MI 48855

Dear Mr. Svatora,

English Gardens is a planned community governed by deed restrictions and rules/regulations. The purpose of these governing documents is to ensure English Gardens continues to be well-maintained for the enhancement of property values. As a result, certain restrictions have been established in order to preserve the harmony and aesthetic appeal of the community.

Please take notice. The Board of Directors has received a complaint alleging that you have violated provisions of the Condominium Documents for English Gardens as follows: you are not cleaning up timely after your pet. Also, dog barking is an issue.

This is a violation of the English Gardens by-law documents Rules & Restrictions regarding pets, Item 8. Each Co-owner shall be responsible for walking their pet away from the building, when possible towards the back of the buildings, to allow their pets to do their business and then immediately collect and dispose all fecal matter deposited by any animal maintained by such Co-owner.

We request your support by correcting this situation immediately. This will prevent further action including additional notices and possible fines as stated in the English Gardens Governing Documents. Should you have any questions regarding the alleged violation, please contact Your Peace of Mind, Inc. at 517.545.3900.

Respectfully,

Your Peace of Mind, Inc.
Agent for English Gardens Association
0055

Exhibit I

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NOTICE OF VIOLATION

November 21, 2013

Brett Svatora
648 Olde English Circle
Howell, MI 48855

Dear Svatora,

English Gardens is a planned community governed by deed restrictions and rules/regulations. The purpose of these governing documents is to ensure English Gardens continues to be well-maintained for the enhancement of property values. As a result, certain restrictions have been established in order to preserve the harmony and aesthetic appeal of the community.

Please take notice. The Board of Directors has received a complaint alleging that you have violated provisions of the Condominium Documents for English Gardens as follows: your not cleaning up after your dog.

This is a violation of the English Gardens by-law documents Rules & Restrictions regarding pets, Item 8. Each Co-owner shall be responsible for walking their pet away from the building, when possible towards the back of the buildings, to allow their pets to do their business and then immediately collect and dispose all fecal matter deposited by any animal maintained by such Co-owner.

We request your support by correcting this situation immediately. This will prevent further action including additional notices and possible fines as stated in the English Gardens Governing Documents. Should you have any questions regarding the alleged violation, please contact Your Peace of Mind, Inc. at 517.545.3900.

Respectfully,

Your Peace of Mind, Inc.
Agent for English Gardens Association
0055

Exhibit J

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January 24, 2014

Mr. Brett Svatora
648 Olde English Circle
Howell, MI 48855

Dear Mr. Svatora,

English Gardens is a planned community created and governed by deed restrictions. The purpose of these governing documents is to ensure English Gardens continues to be well maintained for the enhancement of property values. Certain restrictions have been established in order to preserve the homogeneous and aesthetic appeal of the community.

In an effort to gain compliance, we have been asked to inform the homeowner when we become aware of a deviation from these standards. Accordingly, we must inform you that your property may be in violation of the community standards as follows; you are parking a red truck in the entry way of the garage area. Please review English Gardens by-law documents Parking Resolution #3. A copy of this policy is enclosed for your review.

Thank you in advance for your compliance and continued support of English Gardens standards. If we can assist you in resolving this situation, please do not hesitate to contact us at 517-545-3900.

Respectfully,

Your Peace of Mind, Inc.
Agent for English Gardens Association
0055

Exhibit K

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NOTICE OF VIOLATION

February 4, 2014

Mr. Brett Svatora
648 Olde English Circle
Howell, MI 48855

Dear Mr. Svatora,

English Gardens is a planned community governed by deed restrictions and rules/regulations. The purpose of these governing documents is to ensure English Gardens continues to be well-maintained for the enhancement of property values. As a result, certain restrictions have been established in order to preserve the harmony and aesthetic appeal of the community.

Please take notice. The Board of Directors has received a complaint alleging that you have violated provisions of the Condominium Documents for English Gardens as follows: you are parking a red truck in the entry way of the garage area.

This is a violation of the English Gardens by-law documents Parking Resolution #3. A copy of this policy is enclosed for your review.

We request your support by correcting this situation immediately. This will prevent further action including additional notices and possible fines as stated in the English Gardens Governing Documents. Should you have any questions regarding the alleged violation, please contact Your Peace of Mind, Inc. at 517.545.3900.

Respectfully,

Your Peace of Mind, Inc.
Agent for English Gardens Association
0055

Exhibit L

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NOTICE OF VIOLATION

February 27, 2014

Brett Svatora
648 Olde English Circle
Howell, MI 48855

RE: Parking of red truck in entry way of garage

Dear Mr. Svatora,

English Gardens is a planned community governed by deed restrictions and rules/regulations. The purpose of these governing documents is to ensure English Gardens continues to be well-maintained for the enhancement of property values. As a result, certain restrictions have been established in order to preserve the harmony and aesthetic appeal of the community.

Please take notice. The Board of Directors continues to receive complaints that you have violated provisions of the Condominium Documents for English Gardens as follows: you are parking a red truck in the entry way of the garage area.

This is a violation of the English Gardens by-law documents Parking Resolution #3. A copy of this policy is enclosed for your review.

We request your support by correcting this situation immediately. Failure to stop parking in this manner will result in further action including additional notices, possible fines or towing of vehicle at owner expense as stated in the English Gardens Governing Documents. Should you have any questions regarding the alleged violation, please contact Your Peace of Mind, Inc. at 517.545.3900.

Respectfully,

Your Peace of Mind, Inc.
On behalf of the Board of Directors for
English Gardens Association
0055

Exhibit M

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May 12, 2014

Brett Svatora
648 Olde English Circle
Howell, MI 48855

Re: 648 Olde English Circle

Dear Brett Svatora,

It has been brought to our attention by a neighbor that they can hear water running continuously through the wall. We are concerned you may have a leaky toilet. A leaky toilet will result in an increase of water usage. Please use the enclosed testing tablets and make any necessary repairs to help control the communities water costs.

Thank you in advance for your compliance and continued support of English Gardens's. If we can assist you in resolving this situation, please do not hesitate to contact us at 517-545-3900.

Respectfully,

Your Peace of Mind, Inc.
On behalf of the Board of Directors
English Gardens Association
0055
#11783

Exhibit N

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NOTICE OF VIOLATION

June 30, 2014

Brett Svatora
648 Olde English Circle
Howell, MI 48855

RE: 648 Olde English Circle

Dear Brett Svatora,

English Gardens is a planned community governed by deed restrictions and rules/regulations. The purpose of these governing documents is to ensure English Gardens continues to be well-maintained for the enhancement of property values. As a result, certain restrictions have been established in order to preserve the harmony and aesthetic appeal of the community.

Please take notice. The Board of Directors has received a complaint alleging that you have violated provisions of the Condominium Documents for English Gardens as follows: you are not cleaning up after your dog.

This is a violation of the English Gardens by-law documents Rules & Restrictions regarding pets, Item 8. Each Co-owner shall be responsible for walking their pet away from the building, when possible towards the back of the buildings, to allow their pets to do their business and then immediately collect and dispose all fecal matter deposited by any animal maintained by such Co-owner.

We request your support by correcting this situation immediately. This will prevent further action including additional notices and possible fines as stated in the English Gardens Governing Documents. Should you have any questions regarding the alleged violation, please contact Your Peace of Mind, Inc. at 517.545.3900.

Respectfully,

Your Peace of Mind, Inc.
On behalf of the Board of Directors
English Gardens Association
0055

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P.O. Box 2148 Howell, MI 48844 p: 517.545.3900 f: 517.552.4476 e: ypm@ypminc.com www.ypminc.com

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Exhibit O

[EXHIBIT 1]

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN (FLINT)**

In Re:

BRETT SVATORA

Case No. 14-30028-DOF
Chapter 13 Case
Hon. Daniel S. Opperman

Debtor.

**ORDER GRANTING MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND
ENTRY OF ORDER WAIVING THE PROVISION OF FRBP 4001(A)(3)**

This matter having come before the Court on English Gardens Condominium Association's (the "Association") Motion for Relief from the Automatic Stay and Entry of Order Waiving the Provision of FRBP 4001(A)(3) with respect to property located at 648 Olde English Circle, Howell, MI 48855 and the Court being in receipt of the Motion and the Court being fully advised in the premises:

IT IS ORDERED, that the Automatic Stay is hereby terminated as to the Association with respect to the property at 648 Olde English Circle, Howell, MI 48855 to allow the Association to move forward with its state court remedies to prevent further violations of the Condominium Documents for the English Garden Condominium. This Order is effective, immediately upon entry by this Court notwithstanding the provision of FRBP 4001(a)(3). This Order shall be binding and effective despite any conversion of the bankruptcy case to a case under any chapter of Title 11 of the United States Bankruptcy Code.

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN (FLINT)**

In Re:

BRETT SVATORA

Case No. 14-30028-DOF
Chapter 13 Case
Hon. Daniel S. Opperman

Debtor.

**NOTICE OF AND OPPORTUNITY TO RESPOND TO ENGLISH GARDENS
CONDOMINIUM ASSOCIATION'S MOTION FOR RELIEF FROM THE
AUTOMATIC STAY AND ENTRY OF ORDER
WAIVING THE PROVISION OF FRBP 4001(A)(3)**

The English Gardens Condominium Association has filed a Motion with the Court for Relief from the Automatic Stay and Entry of Order Waiving the Provision of FRBP 4001(A)(3)

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in the Motion, or if you want the Court to consider your view on the Motion, within 14 days, you or your attorney must:

1. File with the Court a written response or an answer, explaining your position at:¹

United States Bankruptcy Court
211 W. Fort Street
Detroit, MI 48226

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it on or before the date stated above.

¹ Response or answer must comply with F.R. Civ. P. 8(b), (c) and (e).

You must also mail a copy to:

Benjamin Henry
Makower Abbate Guerra PLLC
30140 Orchard Lake Road
Farmington Hills, MI 48334

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of date, time and location of the hearing.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

July 8, 2015

Respectfully submitted,
Makower Abbate Guerra PLLC

By: /s/ Benjamin J. Henry
Benjamin J. Henry (P72222)
Attorney for English Gardens Condominium
Association
30140 Orchard Lake Road
Farmington Hills, MI 48334
(248) 254-7600